

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM P. JACKSON,	)	
	)	CASE NO. 2:21-cv-399
Plaintiff,	)	
	)	JUDGE KIM R. GIBSON
v.	)	
	)	
WARDEN ORLANDO HARPER, <i>et al.</i> ,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

Plaintiff William P. Jackson ("Jackson") filed a complaint in the present action on March 25, 2021. (ECF No. 5). Jackson filed an amended complaint on December 29, 2021, which remains the operative complaint in this matter. (ECF No. 15). Jackson filed a motion requesting the appointment of legal counsel on June 27, 2022, (ECF No. 24), which Magistrate Judge Pesto denied on October 20, 2022. (ECF No. 28). However, on November 9, 2022, an envelope containing the Magistrate Judge's order at ECF No. 28 was returned to the clerk's office, marked "Return to Sender: Inmate Paroled/Discharged."

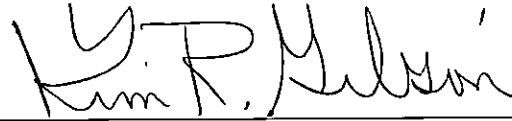
On November 14, 2022, Magistrate Judge Pesto filed a Report & Recommendation ("R&R") noting that Jackson had been released from federal custody on October 7, 2022, but had not subsequently provided the Court with an updated mailing address. (ECF No. 30 at 1). The Magistrate Judge recommended in this R&R that Jackson's amended complaint be dismissed for failure to prosecute if not acted upon promptly. (*Id.*).

It has been a month since Magistrate Judge Pesto filed his R&R at ECF No. 30 and over two months since Jackson was discharged from prison, but Jackson still has not provided the Court with an updated mailing address. Therefore, upon de novo review of the record and reasoned consideration of the R&R at ECF No. 30, *see EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017), the following order is entered:

AND NOW, this 12<sup>th</sup> day of December, 2022, IT IS HEREBY ORDERED that Jackson's amended complaint at ECF No. 15 is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the R&R at ECF No. 30 is adopted as the opinion of this Court. The Clerk shall mark this case as closed and terminate the defendants.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON

UNITED STATES DISTRICT JUDGE